

REMARKS

The Applicants appreciate the thorough examination of the subject application. By this amendment, changes have been made in certain claims to overcome the Examiner's rejections and more concisely claim and describe the present invention. Claims 15, 18-21 and 24-28 remain in the application for reconsideration by the Examiner. The Applicants submit that the claim amendments in conjunction with the remarks below overcome the disclosures of the cited art. The Examiner's allowance of all pending claims is therefore solicited.

In paragraph 3 of his "Response to Arguments" the Examiner states that in the August 4, 2009 office action reply the Applicants argue that Daffner is nonanalogous art

It is not clear why the Examiner believes the Applicants have argued Daffner is nonanalogous art. In the August 4, 2009 reply the Applicants set forth patentable distinctions (and set forth additional distinctions below) between the instant invention and the Daffner reference. This is regarded as standard patent prosecution practice and is the primary means to rebut Examiner-suggested similarities between an application and cited art. Further, in the Applicants discussion of claim 15 in that reply, the Applicants refer to common functionality between Daffner and the Applicants' invention, so the art does not support the claim rejections regardless of whether or not once considers it analogous.

Response to Claim Rejections Under 35 U.S.C. 112 First Paragraph

Claims 15, 18-21 and 24-28

Independent claims 15, 21 and 28 (and the claims dependent therefrom) stand rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. According to the Examiner, these claims contain subject matter not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make/use the invention. Specifically, the Examiner states these claims recite, "the service access unit further comprising a search engine for searching the central register database," that is not supported by the disclosure.

To overcome this rejection, the Applicants have amended claims 15, 21 and 28 by deleting the offending language and replacing it with, “the service access unit further comprising a search means for addressing the central register database.” This language is supported by paragraph [00011] of the application as filed and is nearly a verbatim quote from that paragraph.

With this amendment to the independent claims, the rejection of dependent claims 18-20 and 24-27 under Section 112 should now be overcome.

Response to Claim Rejections Under 35 U.S.C. 103(a)

Rejection of Claims 15, 18-21, 24-26 and 28

Claims 15, 18-21, 24-26 and 28 have been rejected under 35 U.S.C. 103(a) as unpatentable over Daffner (U. S. Patent Application Publication 2002/0120671) in view of Dutta (U.S. Patent Application Publication 2002/0124056).

Rejection of Claim 27

Claim 27 has been rejected under 35 U.S.C. 103(a) as unpatentable over Daffner in view of Moran (U.S. Patent Application Publication 2003/0083941).

Claim 15

Daffner relates to a system and process for data communications between a system unit 8 and in-building facilities (heating and air conditioning systems, for example) 2, 3 and 4. The system unit 8 remotely monitors and controls the facilities.

Independent claim 15 has been amended by making certain clarifying amendments, as set forth above, to more clearly claim the subject matter the Applicants regard as the invention. These amendments are supported by at least paragraphs [00010], [00014], [00017] and [00018] of the application as filed. The Applicants believe the combination of Daffner and Dutta does not render the claimed invention obvious under Section 103(a).

The Examiner has suggested that Daffner’s element 7 (a modem, see Figure 1) discloses the Applicants’ service access unit as set forth in claim 15. Although this may be an accurate statement when considering the general functionality of a modem, the comparison is cannot stand in light of the claimed details of the Applicants’ service access unit.

Daffner's modem 7 is a simple "dumb" communications device that lacks certain claimed features of the Applicants' service access unit. The modem is not capable of "operat[ing] as a client for requesting services . . . from the communication network and operat[ing] as a server for providing web services in the communication network." Also, the Daffner modem lacks a "search means for addressing the central register database" of the communication network. Again, the modem is simply an intermediate or pass-through communications devices that lacks hardware and software components to operate as a client and a server in a communications network. It is not capable of providing the claimed services of the Applicants' service access unit.

Regarding Dutta, in paragraph 18 of the office action, the Examiner notes that Dutta's elements 218 (modem) and 220 (network adapter) connect the conventional field bus to the communication network. But the Examiner argues that Dutta's I/O bus 212 discloses the Applicants' claimed field bus. An I/O bus is not a conventional field bus. The Applicants describe a conventional filed bus as one that does not provide for communication according to internet standard protocols. See application paragraph [00017]. But clearly a computer I/O bus can and does provide such internet standard protocols. Thus Dutta's I/O bus does not disclose the Applicants' field bus.

Also, the Examiner cites to Dutta's proxy server to disclose the Applicants' service access unit. Although the proxy server does request information from the web, Dutta does not disclose that the proxy server "operates as a server for providing web services in the communications network." The Examiner asserts that when the proxy server responds to home page reader requests it is acting as a server. But the home page reader is not an element of the communications network. It is external to the communications network and thus the proxy server does not meet the claim elements.

The Examiner then combines Daffner and Dutta to render the Applicants' invention obvious. But the argued link between Daffner and Dutta does not support the linkage. While both Daffner and Dutta may disclose a service access unit, as these references are interpreted by the Examiner, the nature of the so-called "service access units" are not similar and not combinable. The Examiner has not discussed why Daffner's modem and Dutta's proxy server

provide the linkage and allow the combination. Nor is it seen how the Examiner's comment about providing better security allows the combination. As explained above, Daffner's communications modem is a simple pass-through communications device and not combinable with Dutta's proxy server

There are additional differences between the Daffner and Dutta references that preclude their combination. Daffner uses the Internet only as a communications path between the facilities 2, 3 and 4 and the system unit 8. Dutta uses the Internet as a search and retrieval source of data.

The Examiner has suggested that Daffner's facilities 2, 3 and 4 disclose the Applicants' automation components. But Daffner's facilities 2, 3 and 4 do not meet the Applicants' claim element, "the automation components lacking internet mechanisms." As mentioned above, the Daffner modem 7 is simply a pass-through communications device. For the facilities 2, 3 and 4 to communicate with the system unit 8 via the Internet, the facilities must possess internet mechanisms. Thus the facilities 2, 3, and 4 do not meet the Applicants' claim element of lacking internet mechanisms.

To rebut the argument that the Daffner facilities 2, 3 and 4 must comprise internet mechanisms, one might suggest that the Daffner protocol converter 1, which is also intermediate the facilities 2, 3, and 4 and the system unit 8, can supply these internet mechanisms. However, the protocol converter 1 is also a pass-through device that merely converts a first protocol to a second protocol. It cannot supply the internet mechanisms of the Applicants' claim 15.

Since neither Daffner's modem 7 nor Daffner's protocol converter 1 supply internet mechanisms, the facilities 2, 3 and 4 therefore must comprise internet mechanisms to communicate with the system unit 8. The Applicants claim limitation ("lacking internet mechanisms") is therefore not met by the facilities 2, 3 and 4.

Finally, there is no disclosure in Daffner (or Dutta) that "services requested by the service access unit becoming active in the automation system" as the Applicants claim. Although Daffner's systems unit 8 can control the facilities 2, 3 and 4, this control is exercised via the PSTN/Internet. The control exercised by the systems unit 8 is exercised from afar; it does not become active in the automation system comprising the facilities 2, 3 and 4.

Claims 18, 19 and 20

Dependent claims 18, 19 and 20 are considered to be in allowable condition due to their dependency from claim 15, which is believed to be allowable for the reasons set forth above. Additionally, claims 18, 19 and 20 set forth other patentable features of the present invention.

Claims 21 and 24 - 27

Independent claim 21 is a method claim that has been amended in a similar manner to claim 15. Thus the remarks presented above also apply to claim 21 and the claim is therefore considered allowable over the cited art.

Dependent claims 24 – 27 are considered to be in allowable condition due to their dependency from claim 21. These claims also set forth other patentable features of the present invention.

Claim 28

Independent claim 28 is an apparatus claim that has been amended in a similar manner to claim 15 and the remarks presented above also apply to claim 28.

In the rejection, Examiner Jiang quotes from claim 28 “and permitting the automation components to access the internet mechanisms of the communications network” then refers to Daffner’s elements 8 and 9 as elements of the communications network. But reference to Daffner Figure 1 reveals that element 8 (system unit) and element 9 (modem) are not elements of the communications network. The communications network comprises the PSTN/Internet cloud depicted in the middle of Daffner’s Figure 1. These elements are separate from and external to the PSTN/Internet communications network.

Claim 28 is therefore considered allowable over the cited art.

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CONCLUSION

Since the proposed amendments overcome the current claim rejections issuance of a Notice of Allowance for all pending claims is respectfully requested. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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